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09/724,268	11/28/2000	Robert N. Milman	10022.0001-00	7895

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EXAMINER

VIG, NARESH

ART UNIT	PAPER NUMBER
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3629

MAIL DATE	DELIVERY MODE
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10/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

09/724,268

**Applicant(s)**

MILMAN ET AL.

**Examiner**

Naresh Vig

**Art Unit**

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 47-121 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 47-121 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>20040628</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

This is in reference to communication received 21 May 2007 and Pending Claims filed 21 February 2006. Cancellation of previously pending claims 1 – 46, and addition of new claims 47 – 121 is acknowledged. Claims 47 – 121 are pending for examination.

### ***Response to Arguments***

Applicant's arguments and concerns are for newly added claims which have been responded to in the response to the pending newly added claims.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 47 – 85 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention real estate agents and clients are provided real estate information by enabling them with access to the server, review information on the server, and enabling agents to review generated client supplied information. Although the recited process produces a tangible result, since the claimed invention, as a whole,

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does not produce useful and concrete results because there is no association of a client to an agent, creating the association in the server, storing of client's property access information, and, enabling only the associated agent of the client to have access to the client specific information. Unless this is done, the claimed invention cannot determine which agent is the client associated with. In addition, also, how will the client know that their agent has created system access for their use.

Claims 86 – 121 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. For a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention real estate agents and two or more clients are provided real estate information by enabling them with access to the server, review information on the server, and enabling agents to review generated client supplied information. Although the recited process produces a tangible result, since the claimed invention, as a whole, does not produce useful and concrete results because there is no association of plurality client to an agent, creating the association in the server, storing of client's property access information, and, enabling only the associated agent of the client to have access to their client specific information. Unless this is done, the claimed invention cannot determine which agent is the client associated with. In addition, also, how will the client know that their agent has created system access for their use.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 47 – 85 and 86 – 121 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are for example:

Registration of clients by agent into the server so that the system is able to determine which agent is the client associated with.

Agent providing the client access information to the client so that the client knows how to access the access the server, and the server able to determine association between the client and the agent, and, preventing an agents from accessing information of clients associated with other agents.

The server storing the affirmative action response of agent's client for the server to be able to generate client supplied real estate information.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 47 – 121 are rejected under 35 U.S.C. 103(a) as being unpatentable over Realtor Workstation a product by MRIS for use by real estate agents hereinafter known as RealtorWorkstation in view of another product by MRIS HomesDatabase.Com for use by clients hereinafter known as HomesDatabase and an article “Customer Tracking: It’s Not Just Web-site Hits” by Judith Motti hereinafter known as Motti.

Regarding claims 47 – 85 and 86 – 121, as best understood by examiner, RealtorWorkstation teaches a computer-implemented method of providing real estate information through a server to at least one real estate agent. RealtorWorkstation does not teach a computer-implemented method of providing real estate information through a server to respective one or more clients of the real estate agent. However, HomesDatabase teach a computer-implemented method of providing real estate information through a server to one or more clients (buyer or seller) of the real estate agent.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that MRIS has modified teachings of RealtorWorkstation

and provided HomesDatabase to provide access to client to access real estate information over the internet.

RealtorWorkstation in view of HomesDatabase teaches capability for:

- connecting the server to at least one database of real estate information;
- providing at least one agent with access to the server;
- providing at least one of the agent's clients with access to the server;
- enabling an agent, when accessing the server, to review real estate information and monitoring affirmative actions of the agent while he is accessing the server;
- enabling the agent's client, when accessing the server, to review real estate information and monitoring affirmative actions of the client while he is accessing the server;

RealtorWorkstation in view of HomesDatabase does not teach tracking client activity. However, Motti teaches concept of tracking client's action keep track of client's actions that can affect agents business (for example, procuring cause).

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify RealtorWorkstation in view of HomesDatabase as taught by Motti and track customer activities like real estate information access for keeping records like procuring cause to protect agent's interest in their clients real estate transaction.

RealtorWorkstation in view of HomesDatabase and Motti teaches capability for:

- monitoring affirmative actions of users like agents and clients
- users like agents to monitor client's activities

generating by the server client-supplied real estate information in response to affirmative actions of the client as the client reviews real estate information through access to the server; and

enabling the agent, when accessing the server, to review the generated client-supplied real estate information.

wherein the server is accessible through the Internet by both the client and the agent (applicant is claiming access to information over the internet as their claimed invention).

Tagging capability for selected properties

enabling both the agent and the agent's client to simultaneously access the server and review real estate information wherein the database of real estate information is a multiple listing database of properties in a geographical area.

generating a buyer list of potential properties and their characteristics in response to a request by the agent based upon buyer criteria entered by the agent (applicant is claiming database query as their claimed invention)

enabling the agent or buyer to identify any new properties found in the comparing process.

enabling the agent or buyer to identify any properties having changed characteristics found in the comparing process.

wherein the characteristics of the properties on the buyer list include the identity, location, size, and listed price of each of the respective properties.



enabling a client through the server to access a database of real estate information, initiate an independent search of the database according to criteria selected by the client, and review the resultant search results.

generating a listing of comparable properties for a particular property of interest to the agent's client and enabling the agent's client to review the comparable listing through the server.

generating a comparable listing of properties for review by the agent

generating an area sales report identifying sales in an area associated with a specific property and enabling the agent and his client to review the area sales report.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Naresh Vig  
Examiner  
Art Unit 3629

October 15, 2007